

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES of AMERICA,	)	
Plaintiff,	)	
and	)	
THE STATE OF DELAWARE,	)	
STATE OF LOUISIANA, and the	)	
NORTHWEST AIR POLLUTION	)	
AUTHORITY OF THE STATE OF	)	
WASHINGTON,	)	Civil Action
	)	No. H-01-0978
Plaintiff-Interveners,	)	Honorable Melinda Harmon
v.	)	
	)	
MOTIVA ENTERPRISES LLC,	)	
EQUILON ENTERPRISES LLC,	)	
and DEER PARK REFINING	)	
LIMITED PARTNERSHIP,	)	
Defendants.	)	
_____	)	

**FOURTH ADDENDUM TO CONSENT DECREE**

WHEREAS, the United States of America (hereinafter “the United States”), the State of Delaware, the State of Louisiana, and the Northwest Air Pollution Authority of the State of Washington (hereinafter collectively referred to as the “State Plaintiffs”), Motiva Enterprises LLC, Equilon Enterprises LLC and Deer Park Refining Limited Partnership (hereinafter collectively referred to as “the Companies”) are parties to a Consent Decree entered by this Court on August 20, 2001, and amended on May 29, 2002 and December 24, 2003 (hereinafter “the Heater and Boiler Consent Decree”); and

WHEREAS, the United States, the State Plaintiffs, and the Companies have agreed to a Third Addendum to the Heater and Boiler Consent Decree, which is currently pending before this Court (the motion for entry having been filed by the United States on October 14, 2004);

WHEREAS, the United States, the State Plaintiffs, and the Companies have reviewed and each hereby consents to this Fourth Addendum;

NOW THEREFORE, by the agreement of the United States, the State Plaintiffs, and the Companies, and pursuant to the provisions of Paragraph 80, this Fourth Addendum hereby modifies the obligations of the Companies under the Heater and Boiler Consent Decree by changing paragraph 12 as shown below. This amendment shall be binding on the United States, the State Plaintiffs, and the Companies, all signatories to the Heater and Boiler Consent Decree in this action. Nothing in this Fourth Addendum is intended to modify or change the obligations of Premcor Refining Group Inc. as set forth in the Third Addendum to this Consent Decree.

Paragraph 12 is amended to read:


The Companies shall achieve two-thirds of the combined NOx emissions reductions from the Controlled Heaters and Boilers as set forth in Paragraph 9 minus seven (7) tons NOx per year (3,661 tons NOx per year), by December 31, 2004, and two-thirds of the combined NOx emissions reductions from the Controlled Heaters and Boilers as set forth in Paragraph 9 plus sixty-two (62) tons NOx per year (3,730 tons NOx per year), by March 31, 2005. The Companies shall demonstrate compliance with these requirements in a report submitted to EPA by not later than June 30, 2005, demonstrating that they have installed NOx controls and applied for enforceable limits that will achieve the required reductions, pursuant to Part VI (Permitting). This June 30, 2005, report shall be certified as required under Paragraph 17. For purposes of this Consent Decree, "applied for" shall mean that the Companies have submitted a complete and timely application for the appropriate permit, permit modification, and/or permit waiver.

**FOR PLAINTIFF, UNITED STATES OF AMERICA:**

**Date:** 11.23.04

Thomas L. Sansonetti  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
10<sup>th</sup> & Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

**Date:** 11/12/04

  
Dianne M. Shawley  
Senior Counsel  
Environment and Natural Resources Division  
U.S. Department of Justice  
1425 New York Avenue, N.W.  
Washington, DC 20005

Michael T. Shelby  
United States Attorney  
Southern District of Texas  
P.O. Box 61129  
Houston, TX 77208

U. S. v. Motiva Enterprises LLC, et al

**FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:**

**Date:**

10-28-04

\_\_\_\_\_  
Thomas Skinner  
Acting Assistant Administrator  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

**For Plaintiff-Intervener the State of Delaware:**

---

John Hughes  
Secretary  
Department of Natural Resources and  
Environmental Control  
89 Kings Highway  
Dover, Delaware 19901

Date: \_\_\_\_\_

---

Valerie S. Csizmadia  
Deputy Attorney General  
Office of the Attorney General  
102 West Water Street, Third Floor  
Dover, Delaware 19904

Date: \_\_\_\_\_

**Preliminary Approval of Plaintiff-Intervener, the State of Louisiana, through the  
Department of Environmental Quality:**

\_\_\_\_\_  
Harold Leggett, Ph.D  
Assistant Secretary  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality

Date: \_\_\_\_\_

\_\_\_\_\_  
Ted Broyles, II  
Senior Attorney  
Office of the Secretary  
Legal Affairs Division  
P.O. Box 4302  
Baton Rouge, Louisiana 70821-4302

Date: \_\_\_\_\_

**For Northwest Air Pollution Authority of the State of Washington, A Washington  
Municipal Corporation:**

By:

Laughlan H. Clark  
Visser, Zender and Thurston, P.S.  
1700 D Street  
P. O. Box 5226  
Bellingham, WA 98227

Date: \_\_\_\_\_

**For Motiva Enterprises LLC, Equilon Enterprises LLC, and Deer Park Refining Limited Partnership:**

Date: 10-21-04

Judith Moorad  
Vice President  
Health, Safety, Environment & Quality  
Shell Oil Products US  
910 Louisiana Street  
Houston, TX 77002